

REMARKS

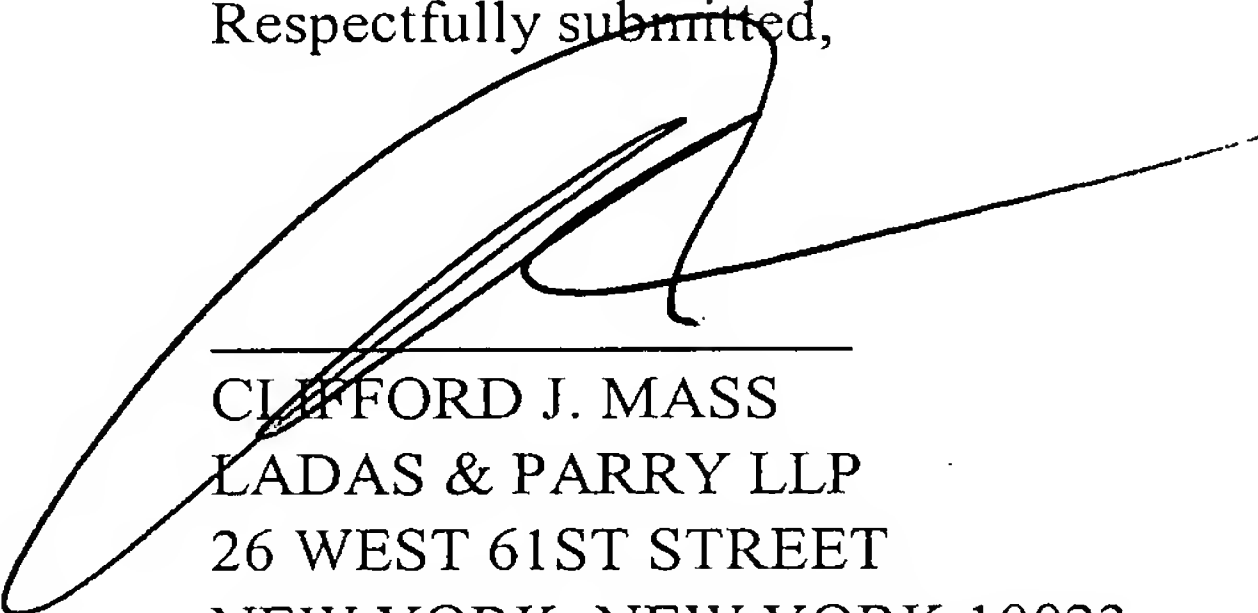
In response to the Official Action of 13 September 2007, wherein the Examiner has required restriction in accordance with 37 CFR 1.499, Applicant hereby elects with traverse to prosecute in the present application the claims of Group I, i.e., claims 1-16, 25-37 and 42-51. The recitations of claim 26 have been incorporated into claim 1. Claims 21-24, 38-41 and 52 have been amended to recite a statutory method (rather than a nonstatutory use) and have been depended from the elected claims such that these claims now comprise all of the steps of the elected process. Accordingly, such claims are respectfully believed to be part of the elected group and should be examined with the elected claims in the present application.

The requirement for restriction is respectfully traversed insofar as the present application is a 371 of a PCT application and no unity of objection was raised in the international stage. In line with the decision in *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, 650 F. Supp. 218, 231 USPQ 590 (E.D. Va. 1986), when the USPTO considers international applications during the national stage under 35 USC 371, PCT Rule 13.1 and 13.2 must be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111. In the present case, the European Patent Office, as international preliminary examination authority, already considered the question of unity of invention under these PCT rules and implicitly determined that unity of invention is present. Applicant respectfully submits that there is no basis for a contrary determination here.

In this respect, the art cited by the Examiner, US 5591878 and US 6197815, as allegedly precluding a special technical feature from uniting the two groups of invention was cited during international preliminary examination and was not considered as impacting the novelty or nonobviousness of the subject matter defined in the claims as amended. Indeed, the claimed subject matter was considered to possess both novelty and inventive step over the prior art. Thus, although the Examiner has cited US 5591878 and US 6197815 for the preparation of metal carboxylates, these references do not show, for example, the recited step (iii) of claim 1 as amended. As noted in the International Preliminary Report on Patentability, the prior art compares aminoates with carboxylates but does not mix them.

In view of the above, Applicant respectfully submits that he has fully responded to the sole requirement in the aforementioned Official Action and now respectfully requests an early action on the merits of at least the elected claims.

Respectfully submitted,



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